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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,698	07/15/1999	YOSUKE KIMOTO	SONYJP-3.3-0	2686

530 7590 10/20/2006
LERNER, DAVID, LITTENBERG,
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600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/284,698

Applicant(s)

KIMOTO, YOSUKE

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/10/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/9/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed 7/27/2006 has been fully considered but they are not persuasive. Applicant argues on page 9, that Hooper is part of the of broadcast signals multiplexed with program guide information. Applicant argues that Hoper does not teach relative time slots; examiner respectfully disagrees. The video segments in Hooper being relative to the thirty-minute time slots. On pages 10-11, applicant cites various portions of the specification, and then argues that Hooper does not teach the subject matter. Examiner points out that a proper rejection does not require for the references to meet each and every element of the specification, but only the subject matter recited \in the claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3,4, 6 & 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten, (U.S. Pat # 5,635,978), in view of Hooper, (U.S. Pat # 5,442,390).

Considering amended claims 1 & 4, the claimed receiver for receiving broadcast signals multiplexed with program guide information including information on broadcast times of the programs, comprising:

‘receiving means for receiving multiplexed signals’ is met by the interactive cable converter box 200, see Fig. 12 & col. 14, lines 5-30. The claimed multiplexing is broad enough to read on transmitting the EPG in the VBI of a TV signal, col. 14, lines 24-26.

‘separation means for separating the EPG information in the multiplexed signals from the broadcast signals is necessarily included, since the EPG data may be transmitted in the VBI of a broadcast signal.

‘production means for producing a retrieval table consisting of a plurality of time slots each having a predetermined length of time independent of broadcast time’, reads on the

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discussion in Alten of the plurality of time slots, such as 30, 60, 90 and/or 120 minutes, (col. 12, lines 4-24).

‘allocating each program to at least one of the plurality of time slots based on the broadcast time of the program, wherein the programs have varying lengths of time and the allocation is performed for a selected program with reference to a relative time within a selected time slot’, is still broad enough to read on the disclosure in Alten that the broadcast programs have varying lengths and are located in the appropriate time slot, based upon their time of broadcast and actual length of broadcast; see Fig. 5a; 5b; 7a; col. 8, lines 60-67 & col. 12, lines 5-25.

As for the amended claimed feature of the ‘relative start and end times associated with given program being different from predetermined start and end times for a given time slot’, Alten merely discloses the regular start and end times, which does not meet the recitation. However Hooper, which is directed to a NVOD system, teaches that a particular movie may be broadcast every 5 minutes. Thus, the combination of Hooper & Alten, i.e., providing EPG listings of broadcasts events that start and end at different times from the regular time slots, meets the claimed subject matter. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Alten with the feature of start and end times of broadcasts being different from given time slots, at least for the desirable improvement of providing the subscriber with more program reception options as taught by Hooper.

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The additionally claimed means for generating a program table for display to a user based retrieval table is met by the combination of the DSTB in Alten which creates an EPG (Fig. 7a) and Hooper (Fig. 6).

Considering claims 3 & 6, the claimed:

‘storage means for storing separated EPG data’ reads on memory 210 for storing downloaded EPG information, col. 14, lines 5-7.

‘input means for inputting a broadcast time to be retrieved; executing means for executing the retrieval; ;and processing means for reading out the EPG information of a retrieved program from the storage means and displaying on display device’ reads on the discussion of Alten of displaying EPG information of a plurality of programs, col. 14, lines 5-59 & Fig. 5a; Fig. 5b.

Considering claims 11 & 12, the claimed system and method for producing a retrieval table based upon guide objects, corresponds with subject matter mentioned above in the rejection of claims 1 & 4, and are likewise treated. As for the additionally claimed features of generating and allocating clone program guide objects, the recited subject matter reads on the program guide listings, which are downloaded in the EPG database at the receiver device, col. 14, lines 5-15. These program listings are retrieved from the listings database, (as objects) and placed into the appropriate time slots on the EPG display, (Fig. 7a-c; Fig. 11a-b) by the multimedia generator (Fig. 12; col. 14, lines 17-67 thru col. 15, lines 1-12).

Considering claims 13-16, the claimed newly added feature reads on the NVOD system of Hooper providing the user with a plurality of program options at a particular time.

Considering claims 17-18. Official Notice is taken that at the time the invention was made, it was well known in the art to organize an EPGF according to genre or category. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Alten to organize the EPG according to genre or theme at least for the improvement of more easily enabling the user to find the type of program desired to be viewed.

5. Claims 2 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten, in view of Eick, (U.S. Pat # 5,812,124).

Considering claim 2, Alten does not teach displaying the EPG according to the program genre. However, Eick teaches sorting/filtering programs according to genre or category, (Fig. 4; Fig. 7; Fig. 8; col. 7, lines 25-65). It would have been obvious to display the EPG according to program genre, at least for the desirable advantage of making program selection more efficient, as taught by Eick, col. 2, lines 45-67 & col. 3, lines 5-20.

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Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:


(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER